

CHAPTER 24
PEACE OFFICERS' RETIREMENT, ACCIDENT AND DISABILITY SYSTEM
[Prior to 8/12/87, Public Safety Peace Officers' Retirement, Accident and Disability System Trustees[690]Ch 1]

581—24.1(19A) Meetings of board of trustees. The board of trustees shall meet regularly on a monthly basis, or upon the call of the chair.

581—24.2(19A) Election of system member. The method of choosing that member of the system who serves a two-year term on the board of trustees is as follows:

(1) At the time for the election of the system member to the board of trustees, each member of the system shall indicate by write-in ballot that member of the system they wish to have serve on the board.

(2) From among all the write-in ballots received by the secretary, the names of those three members receiving the highest number of write-in votes shall be placed on a new ballot.

(3) This new ballot shall be distributed to the members of the system, and that member whose name appears on the new ballot receiving the highest number of votes shall serve as the member of the system on the board of trustees.

581—24.3(19A) Forms and information. Persons wishing to obtain forms or information about the Peace Officers' Retirement, Accident and Disability System shall address requests to:

Secretary
Peace Officers' Retirement System
Iowa Department of Public Safety
Wallace State Office Building
Des Moines, Iowa 50319

581—24.4(19A) Computation of average final compensation. Computation of the average final compensation shall be made using the earnable compensation of the member during the member's three highest years of service as a member of the department of public safety, or if the member has had less than three years of service, then the earnable compensation of the member's entire period of service. Overtime compensation, if any, and periods without pay shall not be considered in this computation.

581—24.5(19A) Age of qualification. The age of qualification for benefits under Iowa Code chapter 97A shall mean the age on the member's last birthday.

581—24.6(19A) Spouse's benefit upon remarriage. If a deceased member's spouse remarries, the spouse's benefit shall continue to be paid to the guardian of any child for the child's benefit. If the amount to be received for the child or children will exceed \$1000, a conservator shall be named by the court. This benefit is in addition to the child's regular benefit.

581—24.7(19A) Date of retirement. Date of retirement shall mean the first day on retirement and not the last day on duty.

581—24.8(19A) Workers' compensation—effect on benefit payment. If workers' compensation benefits are payable under Iowa Code chapter 97A on account of a member's disability or death, the retirement or other benefit shall be adjusted by the actuarial equivalent of the total workers' compensation. This is in lieu of causing the beneficiary to repay the workers' compensation directly.

581—24.9(19A) Errors in payments. Errors in payments to beneficiaries when discovered shall be adjusted in accordance with Iowa Code section 97A.13. This shall be construed to mean that the total under or over payments shall be commuted to monthly income. If an error involves a child, the monthly benefit shall be adjusted over the balance of the child's eligibility, except that if the child is no longer receiving benefits, a lump sum settlement shall be made. Errors referred to in this rule shall be adjusted only after presentation to and approval by the board.

581—24.10(19A) Annual statement of account. As soon as possible after the close of each fiscal year, a statement of account shall be furnished to each active member, and must include the member's contribution for the year.

At the close of the fiscal year, a Form 1099, W2-P or the equivalent, shall be prepared for each person who received benefits and any other person who ceased membership during the year. The form must detail the total pension paid during the year.

The current pamphlets dealing with retirement and sick pay benefits shall be obtained from the Internal Revenue Service and mailed with all Forms 1099, W2-P or equivalent.

581—24.11(19A) Accrued vacation—effect on benefit payment. When a retirement date approved by the board is before the expiration of accrued vacation leave, the member shall receive pay for all accrued vacation in addition to the retirement benefit for the accrued vacation period.

581—24.12(19A) Initial benefit for a child. Initial benefit for a child specified in Iowa Code section 97A.6(8), 97A.6(9), or 97A.6(12) shall be 6 percent of the monthly earnable compensation payable to an active member having the rank of senior peace officer of the Iowa highway safety patrol. A senior peace officer, for the purposes of Iowa Code chapter 97A, is a peace officer having at least ten years of active service with the department of public safety.

581—24.13(19A) Recomputation under Iowa Code section 97A.6(14). The minimum authorized payment of \$50 per month is a minimum only and the recomputation authorized shall be made using the correct original benefit and not the \$50 minimum. The benefit payable shall be the \$50 minimum until the recomputed benefit exceeds \$50, at which time the recomputed benefit shall be paid.

581—24.14(19A) Applications for retirement. Applications for retirement shall be made not more than 90 nor less than 30 days in advance of the date of retirement.

581—24.15(19A) Books of account. The following books of account shall be maintained by the secretary.

24.15(1) Self-balancing combination journal recording all receipts, disbursements and necessary adjustments.

24.15(2) Self-balancing ledger of control accounts.

24.15(3) Schedules at the close of the year which shall detail all control accounts except:

- a. Pension reserve account.
- b. Pension accumulation account.

581—24.16(19A) Computation for partial month. Computation of retirement benefits for a partial month shall be on the actual number of days in the month, i.e., monthly benefits divided by the number of the days in the month multiplied by the number of days due.

581—24.17(19A) Application of Iowa Code section 97A.6(12). Iowa Code section 97A.6(12) applies to the spouse and children only if the spouse was married to the deceased member at or before the time of retirement and the children are the natural children of the deceased member or were legally adopted at or before the time of retirement. If there is no surviving spouse of a marriage solemnized prior to retirement of a deceased member, then the surviving spouse means a surviving spouse of a marriage of two years or more solemnized subsequent to the retirement of the member.

581—24.18(19A) One year of service. For the purpose of computing service, 11 months of service in any year shall be equivalent to one year of service, however, in no case shall a member receive more than one year of service credit for each 12-month period of service.

581—24.19(19A) Average final compensation—less than five years' service. If a member retires before attaining five years of service, the average final compensation shall be the total of the earnable compensation from the date sworn into service divided by the number of months of service.

581—24.20(19A) Abstracts of benefits—report. The secretary shall present to the board at each regular meeting the last two abstracts of benefits with a detailed reconciliation between the two totals.

581—24.21(19A) Investment balance—report. The secretary shall reconcile the cash account as soon as possible after the close of each month, and after deducting \$5,000 shall report the book balance to the investment counselor in the office of the treasurer of state as available to be invested.

581—24.22(19A) Application for benefits. Application for benefits under Iowa Code chapter 97A shall be on forms provided by the secretary.

581—24.23(19A) Receipt of application for benefits. Upon receipt by the secretary of an application for benefits, the retirement allowance shall be computed.

581—24.24(19A) Date of death. In the event of the death of a member, the date of death will be considered to be the last day on the payroll for earned compensation or on pension, and the next day following will be the first day for the spouse's and children's benefit. Accrued vacation payout will be paid in addition to the start of benefits.

581—24.25(19A) Age of spouse. When the spouse of a deceased active member is to receive an annuity payment from the member's contributions, the age of the spouse at the nearest birthday shall govern. The computation shall be the spouse's birth date subtracted from the first date that spouse's benefits begin to accrue.

581—24.26(97A) Withdrawal of contributions.

24.26(1) Members who terminate employment may, in lieu of vesting, withdraw their contributions together with interest thereon.

24.26(2) The interest rate shall be the composite rate of return for the fiscal year as reflected in the Investment Performance Analysis, provided by the investment consultants for the system, as specified in the report for the quarter ending June 30 of the fiscal year, adjusted by the administrative expense of the system for the fiscal year. The administrative expense rate shall be calculated by dividing the actual administrative expense for the fiscal year by the fund balance on June 30 of the fiscal year.

24.26(3) Interest shall be credited to the member's accounts annually as of June 30. The interest credited to the member shall be calculated by multiplying the annual interest rate by the member's average balance for the fiscal year, with interest credited for each full month of membership.

24.26(4) Members withdrawing contributions under this rule shall submit a written request to the secretary.

581—24.27(97A) Transfer of certain Public Safety Employees from IPERS to POR.

24.27(1) *Transfer by election of coverage.*

a. Peace Officer Employees of the Department of Public Safety who were members of the Iowa Public Employees' Retirement System (IPERS) and employed in one of the following positions on June 30, 1994, may elect coverage under the Peace Officers' Retirement, Accident and Disability System (POR). Peace officers in the following position classifications are qualified to elect such coverage:

Fire Inspector 1—Division of Fire Marshal
Fire Inspector 2—Division of Fire Marshal
Fire Prevention Supervisor — Division of Fire Marshal
Public Safety Police Officer—Division of Capitol Security
Capitol Security Sergeant—Division of Capitol Security
Capitol Security Operations Officer—Division of Capitol Security
Public Safety Police Officer—Division of Criminal Investigation

b. Each officer who elects to transfer coverage must file an Election of Coverage with the board of trustees after July 1, 1994, and prior to close of business on July 1, 1995. The Election of Coverage shall be filed with the Board of Trustees, Peace Officers' Retirement, Accident and Disability System, Wallace State Office Building, Des Moines, Iowa 50319.

c. Each officer who elects coverage or is otherwise transferred to POR shall be given credit for all years of service with the department of public safety in any of the classifications listed in paragraph "a."

d. For any employee who transfers to POR pursuant to this rule, IPERS shall transfer the employee's accumulated contributions to POR for the period during which the officer was employed in a classification listed in paragraph "a" only. Such transfer shall be effective after IPERS receives appropriate documentation from POR.

e. Coverage under POR for an electing officer shall be effective when the election is approved by the board of trustees.

24.27(2) *Mandatory transfer of coverage—arson investigators.*

a. Peace officer employees of the department of public safety who were members of IPERS and employed as special Agents (Arson Investigators) on July 1, 1994, shall be transferred to membership of POR.

b. Peace officer Employees of the Department of Public Safety who were members of IPERS and employed as arson investigators on June 30, 1994, may elect coverage under POR for service in any of the classifications listed in subrule 24.27(1), paragraph "a."

c. Each officer who elects coverage for prior service pursuant to this subrule shall be given credit for all years of service with the Department of Public Safety in any of the classifications listed in subrule 24.27(1), paragraph "a."

d. For any employee who transfers to POR pursuant to this subrule, IPERS shall transfer the employee's accumulated contributions to POR for the period during which the officer was employed in a classification listed in subrule 24.27(1), paragraph "a," or this subrule. Such transfer shall be effective after IPERS receives appropriate documentation from POR.

This rule is intended to implement Iowa Code section 97A.3 as amended by 1994 Iowa Acts, House File 2418.

These rules are intended to implement Iowa Code chapter 97A.

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